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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Kurt ERNE et al.

Group Art Unit: 3662

Application No.: 10/516,730

Examiner: L. RATCLIFFE

Filed: January 10, 2005

Docket No.: 121940

For: OPTICAL INCLINOMETER

COMMUNICATION WITH EXAMINER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants appreciate the courtesies shown to Applicants' representative by Examiner Ratcliffe in the March 21, 2006, telephone conference. Applicants' separate record of the substance of the telephone conference is incorporated into the following remarks.

A February 24, 2006, Office Action for the above-referenced application was received on February 27. The applied primary and secondary references, German Patent No. DE 19854812A1 and European Published Patent Application No. EP 1491855A1, are foreign language references. No English-language translations of the foreign language references were included in the Office Action. These applied references do not appear to correspond to any U.S. patents or patent applications.

During the telephone conference, the Examiner indicated that he relied on English-language translations of the two foreign language references, but did not include them with the February 24 Action. Therefore, the February 24 Office Action is defective. The Examiner further stated to Applicants' undersigned representative that he will withdraw the

February 24 Action and will provide a Supplemental Office Action that will include English-language translations of the applied foreign language references. The Examiner stated that the Supplemental Office Action will reset the 3 month shortened statutory period for reply to begin from the mail date of the Supplemental Office Action.

Respectfully submitted,



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JAO:DRK/smo

Date: March 22, 2006

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